

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER WALKER,	:	12 Civ. 0432 (LTS)(AJP)
	:	
Plaintiff,	:	
	:	
v.	:	ANSWER OF
	:	<u>DEFENDANT LINKLATERS LLP</u>
LINKLATERS LLP,	:	
	:	
Defendant.	:	
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Defendant Linklaters LLP (“Linklaters”), through its attorneys Foley & Lardner LLP, as and for its Answer to Plaintiff’s Complaint For Employment Discrimination, hereby states as follows:

Section I

- A. Linklaters denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Section I.A of the Complaint.
- B. Linklaters admits the allegations in Section I.B of the Complaint.
- C. Linklaters admits the allegations in Section I.C of the Complaint.

Section II

- A. Linklaters admits that Plaintiff purports to bring this action based on the conduct alleged in Section II.A of the Complaint. To the extent any further answer is required, Linklaters denies the allegations in Section II.A of the Complaint.
- B. Linklaters denies the allegations in Section II.B of the Complaint.
- C. Linklaters denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Section II.C of the Complaint, except denies that it has ever

committed any of the discriminatory acts or conduct alleged by Plaintiff in the Complaint, including without limitation, such acts or conduct alleged in Section II of the Complaint.

D. Linklaters denies the allegations in Section II.D of the Complaint.

E. Linklaters' response to Section II.E of the Complaint is set forth below in its response to the Complaint's Statement of Facts.

Section III

A. Linklaters denies the allegations in Section III.A of the Complaint.

B. Linklaters denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Section III.B of the Complaint.

C. With respect to Section III.C of the Complaint, Plaintiff makes no allegations therein, so Linklaters submits no response or answer.

Section IV

Linklaters admits that Plaintiff purports to seek the relief set forth in Section IV of Complaint. To the extent any further answer is required, Linklaters denies the allegations in Section IV of the Complaint.

Attached Charge of Discrimination

Linklaters admits that Plaintiff has attached a copy of a Charge of Discrimination that Plaintiff purports to have filed with the United States Equal Opportunity Commission (the "Attached Charge"). To the extent a response to the facts alleged in the Attached Charge is required, Linklaters answers as follows:

1. Linklaters denies the allegations in the first paragraph of the Attached Charge, except admits that Plaintiff is African-American (Black).

2. Linklaters admits the allegations in the second paragraph of the Attached Charge.

3. Linklaters denies the allegations in the third paragraph of the Attached Charge.
4. Linklaters denies the allegations in the fourth paragraph of the Attached Charge.
5. Linklaters denies the allegations in the fifth paragraph of the Attached Charge
6. Linklaters denies the allegations in the sixth paragraph of the Attached Charge,

except admits and avers that Linklaters notified Plaintiff on February 17, 2009, that, as part of a staff reduction plan, Linklaters was eliminating Plaintiff's position and terminating his employment, effective February 27, 2009.

7. Linklaters denies the allegations in the seventh paragraph of the Attached Charge.
8. Linklaters denies the allegations in the eighth paragraph of the Attached Charge.

Statement of Facts

Linklaters denies the allegations in the preamble paragraph of the Statement of Facts.

- A. Linklaters denies the allegations in Paragraph A of the Statement of Facts.
- B. Linklaters denies the allegations in Paragraph B of the Statement of Facts.
- C. Linklaters denies the allegations in Paragraph C of the Statement of Facts.
- D. Linklaters denies the allegations in Paragraph D of the Statement of Facts.
- E. Linklaters denies the allegations in Paragraph E of the Statement of Facts.

F. Linklaters denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph F of the Statement of Facts.

Linklaters denies the allegations in the final paragraph of the Statement of Facts.

AFFIRMATIVE AND OTHER DEFENSES

1. The Complaint fails to state a cause of action upon which relief may be granted.
2. Plaintiff's claims are barred, in whole or in part, by the applicable statute limitations.
3. Plaintiff did not timely file an administrative charge with respect to the allegations of employment discrimination in the Complaint.
4. Plaintiff failed to exhaust his administrative remedies.
5. Plaintiff failed to commence this action within 90 days of receiving from the United States Equal Employment Opportunity Commission a copy of its Dismissal and Notice of Rights.
6. Insofar as it may be Linklaters' burden to plead or prove any aspect of its conduct in response to Plaintiff's Complaint, Linklaters' conduct toward Plaintiff at all times and in all respects was proper, lawful, and non-discriminatory and was premised on legitimate business reasons.
7. All employment decisions regarding or affecting Plaintiff were based upon legitimate, lawful, and non-discriminatory reasons that were in no way related to Plaintiff's race and were made in good faith and without any intent to discriminate on the basis of race or any other protected characteristic.
8. Plaintiff's claims of unlawful discrimination are barred because Linklaters promulgated an effective policy of preventing and correcting such alleged conduct and/or occurrences, of which Plaintiff unreasonably failed to take advantage.
9. Linklaters is not liable to Plaintiff for any acts or omissions of any supervisory or managerial employee which were beyond the scope of employment.

10. Plaintiff has failed to mitigate damages, in whole or in part.

11. The alleged acts or omissions of Linklaters were not the proximate cause of any injuries or damages allegedly incurred by Plaintiff.

12. All actions with regard to Plaintiff's employment were conducted in good faith and without fraud, malice, or reckless indifference for Plaintiff and any of his rights, thereby precluding any and all claims for punitive, liquidated or exemplary damages.

Linklaters reserves the right to add, alter, and/or amend its affirmative and other defenses as the course of discovery so requires.

WHEREFORE, having fully answered the Complaint, Linklaters respectfully requests that that this Court enter judgment: (a) dismissing the Complaint in its entirety with prejudice and denying all relief sought therein; (b) awarding to Linklaters all of its costs and disbursements incurred in this action, including its reasonable attorneys' fees; and (c) granting to Linklaters such other and further relief as the Court may deem just and proper.

Dated: June 24, 2013
New York, New York

FOLEY & LARDNER LLP

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